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A PATTERN OF SUSPICION

Announcer: And now A Pattern of Suspicion. Here is Stone Phillips.

STONE PHILLIPS: Good evening. Discrimination, affirmative action, hate crimes--issues that break down along the fault lines of our racial divide--are among the most incendiary that we face as a nation. In recent years another such issue has ignited even more controversy: racial profiling, law enforcement officers allegedly stopping and searching vehicles based on the race of the driver. Many African-Americans say it happens every day, calling it painful and humiliating. But police departments insist racial profiling is not a policy they follow. So does it happen or doesn't it? DATELINE has spent more than a year going through millions of traffic stops across the country for the most definitive answer yet. Many are not going to be happy with what we found. Here's John Larson.

Mr. CECIL THOMAS: (Voiceover) All cities have to take a look at Cincinnati. Cincinnati is a mirror of many of our cities.

(Cincinnati at night)

JOHN LARSON reporting: (Voiceover) If Cincinnati, Ohio, is a mirror, no one liked what we saw in the mirror one morning in November. For six minutes, Cincinnati police officers beat an unarmed black man.

(Cincinnati at night; police officer fighting with man)

Unidentified Police Officer #1: (From videotape) Put your hand behind your

back!

Unidentified Man #1: (From videotape) No.

Officer #1: (From videotape) Put your hands behind your back!

Man #1: (From videotape) No.

Officer #1: (From videotape) Put your hands behind your back!

LARSON: (Voiceover) Although the coroner would later say the beating lead to the man's death, in the eyes the mayor and the county prosecutor, the police action was justified. After all, the 350-pound man, high on drugs, had attacked the officers.

(Police officers and man fighting)

Mayor CHARLIE LUKEN (Cincinnati): The police officers had a legitimate interest in making absolutely certain that they protected their own lives and their own safety.

Unidentified Police Officer #2: (From video) I don't see him breathing.

Unidentified Police Officer #3: (From video) Turn him on his side.

LARSON: (Voiceover) But not everyone agreed. You see, in Cincinnati, which is mostly white, on-duty police there have killed 18 people in nine years, and everyone of those killed has been black.

(People on street; mug shots)

Reverend DAMON LYNCH: We know that white kids run from the police. We know that white people fight police. In this city they just didn't end up dead.

LARSON: (Voiceover) Cincinnati's Reverend Damon Lynch claims what many African-Americans believe, that every day, without any cameras rolling, police treat innocent African-Americans as suspects--as if they're guilty until proven innocent. It's called racial profiling, and the president of the United States has pledged to bring the practice to an end.

(Church service; New Prospect Baptist Church; man being arrested; Washington fountain and building)

President GEORGE W. BUSH: (Address to Congress) Racial profiling, it's wrong and we will end it in America.

LARSON: (Voiceover) Tonight the culmination of a 14-month DATELINE investigation of racial profiling. New and compelling statistical evidence gathered from Cincinnati and cities across the country. Do police deny millions of Americans the most basic protection promised them in the 14th Amendment of the US Constitution, equal protection under the law? Or are charges of racial profiling exaggerated or completely false?

(Police light; gun; documents; police watching men on street; documents; police car lights)

Officer RON DAMMERT (Cincinnati Police Department): Hey!

Unidentified Man #2: What's the big deal?

Off. DAMMERT: What's the problem man?

Unidentified Man #3: What's--what's she coming around me for...

Off. DAMMERT: She's got a reason!

LARSON: (Voiceover) We begin on the streets of Cincinnati, Ohio, a city torn by allegations of racial profiling.

(Man being searched)

Man #3: I did nothing man!

Off. DAMMERT: Hey, put your hands on the car or you are going to go in cuffs, man!

LARSON: (Voiceover) Here, Police Officer Ron Dammert works one of the nation's roughest neighborhoods, Over-the-Rhine. In one year nearly 400 robberies, more than 200 assaults, 10 murders in one small, overwhelmingly black inner-city neighborhood, most of this crime fueled by the only growth industry in sight: drugs.

(Man being cuffed; man being arrested)

Off. DAMMERT: (Voiceover) Each block has its own personality. It'll either be marijuana, crack cocaine. There's heroin down here. The drug trade down here, it's all because of the money.

(Police car cruising streets; men at fence)

LARSON: (Voiceover) On the blocks he patrols, drug dealers try very hard not to

get caught. Lookouts on each corner announce the presence of cops.

(People on street)

Unidentified Man #4: Da boys!

LARSON: (Voiceover) "Boys" is the code name for police, a warning for dealers to suspend their trade.

(Men walking on sidewalk)

Man #4: Da boys!

Off. DAMMERT: (Voiceover) That's just the way the game is played.

(People on sidewalk)

Off. DAMMERT: The dope dealers will tell you it's a game, don't hate the player, hate--hate the game.

LARSON: (Voiceover) Increasingly, police in Cincinnati and across the country have been credited with winning the game--reducing crime--not by sitting back and playing defense but by playing offense.

(Dammert in car; police car)

Off. DAMMERT: This alley that we're going back to right now is a popular place for people to smoke crack. Yep! There's two right there.

LARSON: (Voiceover) And playing offense is called proactive policing.

(Dammert driving towards people)

Off. DAMMERT: She just dropped something.

Sit down!

Unidentified Woman #1: Get...

Off. DAMMERT: Sit down!

LARSON: (Voiceover) Now watch closely.

(Dammert talking with people)

Off. DAMMERT: What are you guys doing back here?

LARSON: (Voiceover) Dammert hasn't seen any crime being committed, but he says he saw the woman drop something and he knows, according to the US Supreme Court, if he has a reasonable suspicion he can begin a search.

(Dammert talking with people; woman sitting; Dammert searching man)

Off. DAMMERT: You don't have any problem if I search you right?

Unidentified Man #5: No, you...

Off. DAMMERT: You're not wanted, sir?

Man #5: No, I'm not.

LARSON: (Voiceover) The men are searched and released. He then turns his attention to the woman.

(Dammert searching man; Dammert searching coat)

Off. DAMMERT: See, I told you you put something on the step, didn't I?

Woman #1: I didn't put that...

Off. DAMMERT: Ma'am, I saw you put it on the step.

Woman #1: You didn't ever see me put...

Off. DAMMERT: Yeah, I did. Turn around and put your hands behind your back.

LARSON: (Voiceover) He had found a crack pipe right where he said he saw her drop something.

(Dammert putting cuffs on woman)

LARSON: (Voiceover) She's a relatively long way away.

(Dammert putting cuffs on woman)

LARSON: How could you see it?

Off. DAMMERT: It took me a long time to learn how to catch people.

LARSON: (Voiceover) A hunch, and a small victory--albeit very small--in the

drug war.

(Crack pipe; woman in police car)

Off. DAMMERT: If you're doing something you're not supposed to be doing, I'm going to try to stop it.

LARSON: (Voiceover) In any given year police stop millions of Americans, but it is who they stop and why that is at the heart of the racial profiling debate.

(Dammert in car)

Off. DAMMERT: (Voiceover) We've been labeled as racists.

(People leaving building)

Off. DAMMERT: And I wholeheartedly know that that is not true.

(Voiceover) Does anyone honestly think that I would work in a place that is overwhelmingly African-American if I was racist towards them?

(City streets)

LARSON: (Voiceover) Nonetheless, you'll soon see how even with the best of cops--and Officer Dammert is that, hand-picked by the department to escort DATELINE--how even with Cincinnati's finest, aggressive, proactive policing can breed anger and charges of racial profiling.

(City street; Dammert in car; police car; Dammert in car)

Off. DAMMERT: OK. Guy in a black hoodie, right in front of Alberts Market, just saw us and headed straight into the store.

LARSON: (Voiceover) Officer Dammert has just seen a young black man in a sweatshirt turn away from him, and decides--for that reason alone--the young man is worth talking to.

(Dammert driving; Dammert exiting car)

Off. DAMMERT: Can I talk to you for a minute sir? How you doing?

Mr. SHORT: All right?

Off. DAMMERT: Do you have any ID on you?

Mr. SHORT: No.

Off. DAMMERT: Do you have anything on you you shouldn't have? You looked like you were trying to avoid me.

Mr. SHORT: No, I'm just--I'm on the phone.

Off. DAMMERT: No. You saw me coming and you took off around the corner. And then saw me and started walking again. You got some weed on you, man? It's just a ticket.

Mr. SHORT: No, I don't have nothing on me.

LARSON: (Voiceover) It's called "stop and talk." Ask a few questions, see if he'll consent to a search. It's all perfectly legal.

(Dammert searching man)

Off. DAMMERT: You ain't got no warrants, right?

Mr. SHORT: No. No.

Off. DAMMERT: How much money do you have on you, sir?

Mr. SHORT: I should have a hu--a little over a hundred.

Off. DAMMERT: OK. You got a job?

Mr. SHORT: Yeah.

Off. DAMMERT: Where you working at, sir?

Mr. SHORT: I'm--I was working at Montgomery Inn.

Off. DAMMERT: Ah, OK. Spread your legs for me.

LARSON: (Voiceover) The man has done nothing wrong, hasn't broken any law. But does he fit a certain profile?

(Dammert searching Short)

Mr. SHORT: I didn't do nothing, man.

Off. DAMMERT: Well, if you didn't do nothing, man, you ain't got nothing to worry about. OK? And I do--I do appreciate you cooperating with me, all

right?

Mr. SHORT: Yeah, man.

Off. DAMMERT: Mr. Short, alright? I am just out here trying to get dope off the street, man.

Mr. SHORT: I mean--but, I mean...

Off. DAMMERT: This is how we do it, Mr. Short. Thanks for your cooperation.

LARSON: (Voiceover) The young man is let go. No incident report is filled out. There will be no record the stop ever happened.

(Short walking away from police officers)

Off. DAMMERT: He saw us come around the corner and he turned and started to walk away.

Unidentified Police Officer #4: Did he?

LARSON: (Voiceover) Was this racial profiling? Not in the eyes of Officer Dammert.

(Police officers talking)

Off. DAMMERT: I thought he had a warrant. I thought he had marijuana, one or the other, maybe both.

LARSON: You're saying, 'I thought.' You mean, in other words, you're--you're taking an educated guess?

Off. DAMMERT: Yes.

LARSON: Based on the fact that he turned away?

Off. DAMMERT: Based on the fact that I've worked in Over-the-Rhine for five years.

LARSON: How important was it that he was dressed in a hooded sweatshirt, black, standing on the corner?

Off. DAMMERT: It didn't mean a whole lot to me.

LARSON: His race?

Off. DAMMERT: No. It was his activity, what he was doing. He saw me and immediately turned away.

LARSON: Is that reason enough to go stop him and eventually search him?

Mr. THOMAS: No, no.

LARSON: (Voiceover) We showed a tape of the incident to Cecil Thomas, a Cincinnati cop for 27 years, who now runs Cincinnati's Human Relations Commission.

(Short being searched; Thomas at desk)

Mr. THOMAS: That's good enough reason for you to--to maybe--ah, go around the block, call your undercover units and say, 'Hey, I got a guy acting suspicious. You think you can come over here and stake him out and see what he's up to?' Anything further than that you're really on thin ice.

LARSON: (Voiceover) Thomas says isolated stops like this may seem minor to white Americans, but he says in the African-American community they happen far too often.

(Dammert talking with Short; man being searched)

LARSON: Are Cincinnati police profiling people racially?

Mr. THOMAS: Oh, absolutely. I mean, you just saw it in that film there. In the film you just seen it.

LARSON: (Voiceover) The same day he was stopped and frisked, the young man arrives at police headquarters, attempting to file a complaint that he'd been profiled and harassed.

(Short being searched; Short talking with police officers)

Off. DAMMERT: Do you think I harassed you?

Mr. SHORT: Yes, I mean, I was...

Off. DAMMERT: Ah, come on.

Mr. SHORT: I was on the phone. I was...

LARSON: (Voiceover) Dammert's supervisor joins them, and Dammert, saying it was not racial profiling, tries to explain the law.

(Short talking with police officers)

Off. DAMMERT: You turned and walked again. Twice you turned and walked away from me. That, in that neighborhood, gives me reasonable suspicion to believe that you're doing something you're not supposed to be doing.

LARSON: (Voiceover) The young man tries to explain what it's like to be stopped, searched and embarrassed on the street.

(Short speaking with officers)

Mr. SHORT: I mean, you said that I was--you said I looked suspicious. You...

LARSON: (Voiceover) He asks four separate times to file a complaint--something entirely within his rights--but the officers won't hear of it.

(Short speaking with officers)

Off. DAMMERT: Well, you're--you're talking to my boss right now. I don't think he's going to put it on paper because there's no--there's no violation here.

Mr. SHORT: But, I mean I should have the right, I'm saying, to write it down.

LARSON: (Voiceover) They even suggest there might be legal consequences.

(Short speaking with officers)

Off. DAMMERT: Do you understand there is such a thing as filing a false police report? You understand it is a criminal charge? If you--if you try to go through with this and they bring that tape in and they find that you are lying about what you are saying, you know you will be charged with that?

Mr. SHORT: I ain't lying, though.

LARSON: (Voiceover) He never files a complaint and leaves feeling his concerns were neither heard nor understood.

(Short speaking with officers)

LARSON: Can you see how this young man would--would feel like, 'This--this cop targeted me. I mean, I didn't have anything on me. I wasn't selling drugs. I turn away from him, that's why he comes up on me?'

Off. DAMMERT: Well, you use the word targeted. Why would I target him? Because he's black? This is, in my opinion, it's good, proactive police work.